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REMARKS**I. INTRODUCTION**

Claims 1-25 remain pending in this application. It is respectfully submitted that based on the following remarks, all of the presently pending claims are in condition for allowance.

II. THE 35 U.S.C. § 102(e) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 1, 3-6, 8-11, 13-16 and 18-24 under 35 U.S.C. § 102(e) as unpatentable over U.S. Pat. No. 6,637,029 to Maissel et al. (hereinafter "Maissel"). (See 9/20/07 Office Action, p. 2).

Maissel is directed toward a system for providing customization of an electronic programming guide by an intelligent agent. The system includes a television network for transmitting and receiving program schedule information, viewer preference profiles, and an intelligent customizing agent for programming schedule information, at least in part, on the viewer preference profile. (See Maissel Abstract). The system takes information from a viewer preference profile to customize the electronic programming guide. After receiving the programming guide information, the system customizes the display that receives the programming information to the specific profile of the person using the system. (See Maissel col. 3, ll. 1-8; col. 6, ll. 19-25).

Claim 6 recites, "a graphical feature of each graphical element depending upon a relevance of the associated item to specified criteria, wherein the graphical element is automatically updated in response to any change to the specified criteria or the search pool." The Examiner states that this recitation of claim 6 is disclosed in Maissel. (See 9/20/07 Office Action p. 2). Applicants respectfully disagree.

The Examiner asserts that the graphical element from claim 6 is equivalent to the icon-based system in Maissel. However, while Maissel employs a graphical element, the icons of

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Maissel represent something different from the claimed graphical elements. In Maissel, the system uses an icon-based guide generator to display information to the user. The icons are static images used to represent information including parental controls, the subject matter of the television show, a specific period of time, or listings of a particular series of programs. (See Maissel col. 14, ll. 3-6; col. 20, ll. 48-50; col. 20, ll. 57-59; col. 20, ll. 65-66).

In contrast, the graphical element recited in claim 6 is not a static image based on the criteria above. Claim 6 recites, "wherein the graphical element is updated in response to any change to the specified search criteria or the search pool." For example, a particular icon may be used to display all shows that exactly match the search criteria, while another may be used to display all shows that are similar to the search criteria. So while the system as described in Maissel will have the same icons associated with a show such as "Friends," i.e. comedy, parental rating, show time, etc., claim 1 recites that the "graphical element is updated in response to any change in the specified criteria or the search pool."

The Examiner continues to insist that this recitation is taught by Maissel because the "results of [a] search showing in fig. 9D would clearly be changed automatically upon any change made to a viewer preference profile and the display of the same fig. 9D being refreshed." (See 09/20/07 Office Action p. 3). The Applicants do not dispute that different icons may be displayed on a screen in Maissel. However, there is no teaching or suggestion that any particular icon is updated based on a search criteria. That is, in Maissel, different icons may be displayed at different times, but any one icon is the same every time it is displayed, the icon is not updated.

Thus, it is respectfully submitted that Maissel does not teach or suggest "a graphical element automatically updated in response to any change to the specified criteria," as recited in claim 6. Because claims 7-10 depend from and, therefore, include all the limitations of claim 6, it is respectfully submitted that these claims are allowable for at least the reasons stated above.

Independent claim 1 recites "a graphical feature of each graphical element depending upon the relevance of the associated item to specified criteria, wherein the graphical element is updated in response to any change to the specified criteria or search pool." Applicants submit

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that these claims are allowable for at least the reasons stated above with respect to claim 6. Because claims 2-5 and 22 depend from and, therefore, include all the limitations of claim 1, it is respectfully submitted that these claims are also allowable for at least the same reasons stated above with respect to claim 1.

Independent claim 11 recites "a graphical feature of each graphical element depends upon a relevance of the associated item to specified criteria, and wherein the graphical element is automatically updated in response to any change to the specified criteria or search pool." Applicants submit that this claim is allowable for at least the reasons stated above with respect to claim 6. Because claims 12-15 depend from and, therefore, include all the limitations of claim 11, it is respectfully submitted that these claims are also allowable for at least the same reasons stated above.

Independent claim 16 recites "a graphical feature of each graphical element depending upon the relevance of the associated item to specified criteria, wherein the graphical element is automatically updated in response to any change to the specified criteria or search pool." Applicants submit that this claim is allowable for at least the same reasons stated above with respect to claim 6. Because claims 18-21 depend from and, therefore, include all the limitations of claim 16, it is respectfully submitted that these claims are also allowable for at least the same reasons stated above with respect to claim 16.

Independent claim 23 recites "updating the display of each graphical element in response to any change to the specified criteria or search pool." Applicants submit that this claim is allowable for at least the same reasons stated above with respect to claim 6. Because claims 24 and 15 depend from and, therefore, include all the limitations of claim 16, it is respectfully submitted that these claims are also allowable for at least the same reasons stated above with respect to claim 23.

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III. THE 35 U.S.C. § 103(a) REJECTION SHOULD BE WITHDRAWN

The Examiner has rejected claims 2, 7, 12 and 17 under 35 U.S.C. § 103(a) as unpatentable over Maissel in view of U.S. Pat. No. 5,982,369 to Sciammarella et al. (hereinafter "Sciammarella"). (See 4/10/07 Office Action, p. 4).

Sciammarella describes a method for displaying, on a screen of a computer, images representing search results. The user initiates a search in a database and the search results are responsive to said search. Images corresponding to the search are varied in size corresponding to matches to the search criteria; the relevance of said image is indicated by its proximity to the keyword. The display operation is equivalent to two simultaneous searches using Boolean operators. (See Sciammarella Abstract).

Applicants submit that Sciammarella does not cure the above-described deficiencies of Maissel with respect to claims 1, 6, 11 and 16. Because claim 2 depends from and, therefore, includes all the limitations of claims 1, it is respectfully submitted that this claim is allowable for at least the reasons stated above. Because claim 7 depends from and, therefore, includes all the limitations of claims 6, it is respectfully submitted that this claim is allowable for at least the reasons stated above. Because claim 12 depends from and, therefore, includes all the limitations of claims 11, it is respectfully submitted that this claim is allowable for at least the reasons stated above. Because claim 17 depends from and, therefore, includes all the limitations of claims 16, it is respectfully submitted that this claim is allowable for at least the reasons stated above.

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CONCLUSION

In view of the above remarks, it is respectfully submitted that all the presently pending claims are in condition for allowance. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

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Respectfully submitted,

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